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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,967	10/16/2003	Channing K. Barringer	60655.2600	8084
	7590 04/21/201 t L.L.P. (AMEX)	EXAMINER		
ONE ARIZONA	A CENTER	LONG, FONYA M		
PHOENIX, AZ	JREN STREET 85004-2202		ART UNIT	PAPER NUMBER
			3689	
			NOTIFICATION DATE	DELIVERY MODE
			04/21/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

HSOBELMAN@SWLAW.COM DMIER@SWLAW.COM JESLICK@SWLAW.COM

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/686,967	BARRINGER ET AL.		
Examiner	Art Unit		
FONYA LONG	3689		

 2.			FONYA LONG	3689	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affidiaty, or other avidency, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expiresmonths from the malling date of the final rejection, b) ☑ The period for reply expiresmonths from the malling date of the final rejection, which were its later. In ne event, however, will the statutory period for reply expires on: (1) the malling date of the final rejection, which were its later. In ne event, however, will the statutory period for reply expires on: (1) the malling date of the final rejection. Examiner Note: If box is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for THE FIRML REJECTION. See MFEP 705 07(1). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(s) and the appropriate extension fee the maler of the date of the final rejection, explain the replication of the file appropriate extension fee under 37 CFR 1.17(s) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; (2) as many reduce any examed patent term adjustment. See 37 CFR 1.73(b). NOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was feed for	The MAIL	ING DATE of this communication appe	ars on the cover sheet with the	correspondence add	ress
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must intelly file one of the following replicis: (1) an amondment, affidiaty, or other evidency, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expiresmonths from the malling date of the final rejection. Examiner Note: If box is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS Of THE FIRM REJECTION. See MPEP 708.07(f). Extensions of time may be obtained under 37 CFR 1.198(a). The date on which the petition under 37 CFR 1.198(a) and the appropriate extension fee number of CFR 1.178(a) is calculated from: (1) the expiration date of the shortered stantary period for reply originally set in the final Office action; (2) as many reduce any exame placetime of the shortered stantary period for reply originally set in the final Office action; (2) as many reduce any exame placetime and placetime of the shortered stantary period for reply originally set in the final Office action; (2) as many reduce any exame placetime them adjustment. See 37 CFR 1.79(b). NOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137(e)), to avoid dismissal of the appeal. Since a Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 4.137(a). Albeindents 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise new issues that would require further consideration and/or search (see NOTE	THE REPLY FILED 0	7 April 2010 FAILS TO PLACE THIS APP	LICATION IN CONDITION FOR	ALLOWANCE.	
and the period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no nevent, however, will the statutory period for reply expire later than \$M (MONTHS) from the mailing date of than rejection. Examiner Note: If box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION See MPEP 706 607(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the polition under 37 CFR 1.136(a) and the appropriate extension fee have been filed it the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in 0; blooms, if the final office action; or (2) as set forth in 0; blooms, if the final rejection, or (2) as set for the final rejection, experiment of the final rejection, and the proposed amendment (a) of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENOTICE OF APPEAL. In the proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) here raise the issue of new matter (see NOTE below); (b) They raise new issues that would require further consideration and/or search (see NOTE below); (c) They raise new issue of new three (see NOTE below); (d) They raise new issue of new three (see NOTE below); (d) They raise the issue of new three for prior the	1. The reply was file application, appl application in cofor Continued Ex	ed after a final rejection, but prior to or on licant must timely file one of the following r andition for allowance; (2) a Notice of Appe	the same day as filing a Notice of replies: (1) an amendment, affidate al (with appeal fee) in compliance	f Appeal. To avoid abar vit, or other evidence, w e with 37 CFR 41.31; or	hich places the (3) a Request
have been flied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filling the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filling a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 1. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s):	a) The period for the period for no event, how Examiner Note	r reply expires on: (1) the mailing date of this Advever, will the statutory period for reply expire late: If box 1 is checked, check either box (a) or (l	dvisory Action, or (2) the date set fort ater than SIX MONTHS from the maili b). ONLY CHECK BOX (b) WHEN TH	ng date of the final rejection	n.
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered becau	have been filed is the da under 37 CFR 1.17(a) is set forth in (b) above, if c	te for purposes of determining the period of ext- calculated from: (1) the expiration date of the s shecked. Any reply received by the Office later patent term adjustment. See 37 CFR 1.704(b).	ension and the corresponding amoun hortened statutory period for reply ori than three months after the mailing d	t of the fee. The appropria ginally set in the final Office	ate extension fee e action; or (2) as
(a)	filing the Notice	of Appeal (37 CFR 41.37(a)), or any exter	nsion thereof (37 CFR 41.37(e)), t	o avoid dismissal of the	
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Continuation of 3. NOTE: The newly amended and addded claims contain new limitations (i.e. transfering marketing information within the first shoe to a remote recipient of the first show; dynamically altering the second show based upon the selected proposed strategy; etc...) which require further consideration.

Continuation of 11. does NOT place the application in condition for allowance because: Examiner has carefully reviewed and considered the Applicant's request for reconsideration/arguments. However, Examiner does not find Applicant's arguments to be persuasive. Applicant argues that Von Kohorn fails to disclose "presenting additional marketing information". Examiner asserts Applicant's argument is directed to a newly amended claimed limitation and is considered moot. Applicant also argues that Von Kohorn fails to discloses "a database configured to store a plurality of proposed strategies" or "a processor configured to select at least one propsed strategy stored on the database". Examiner respectfully disagrees. Von Kohorn discloses database configured to store a plurality of proposed strategies (Abstract, via a memory response to the instructional signal for storing acceptable responses, and a comparison circuit for comparing responses entered at the keyboard with those stored in the memory (Abstract). The claim fails to recite the database being searchable. Von Kohorn discloses a processor via a machine-readable means to facilitate a reading of the score and/or response (i.e. proposed solution) by the host on the television show (Col. 15, Lines 5-23). Applicant argues that Von Kohorn fails to disclose "transferring the selected proposed strategy, by thr first media source distinct first interface, within a second show, of the series of shows". Examiner asserts Applicant's argument is directed to a newly amended claimed limitation and is considered moot. These newly amended limitations require the Examiner to reconsider the prior art in light of these newly amended limitations and/or perform a new search.